



Practitioner's Docket No. \_\_\_\_\_

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Harvey C. Eisenberg, et. al.  
Application No.: 10 / 039,128      Group No.: 2882  
Filed: January 7, 2002      Examiner:  
For: A Multi-Modality Apparatus for Dynamic Anatomical,  
Physiological and Molecular Imaging

Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Director, Group 2880

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OCT 31 2002  
TECHNOLOGY CENTER 2800

**REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))**

**NOTE:** If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8th ed.

**WARNING:** If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

  
Signature

Date: 10/25/02

James A. Hudak

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Request for Withdrawal as Attorney [12-5]—page 1 of 6)

## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

*(complete the following item, if appropriate)*

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under
- ☐ 37 C.F.R. § 1.60(b),
- ☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

### LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

☐ inventor(s)

☒ assignee of the entire interest

is Multi-Dimensional Imaging, Inc.

400 Newport Center Drive, Suite #100

Newport Beach, CA 92660

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) (c) (iv).

Explanation (including brief description of exhibits, if any):

The undersigned attorney of record has been unable to communicate with the assignee of the entire interest of this patent application making it unreasonably difficult for the undersigned to carry out his employment effectively in this case.

*(add additional page(s), as required for explanation)*

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due (if any)

(i) ☐ There is no outstanding term for response.

(ii) ☐ There is an outstanding term for response that is set to expire on \_\_\_\_\_

The above term is extendible under 37 C.F.R. § 1.136(a), until \_\_\_\_\_ and the fees for such extension

☐ are

☐ are not

being submitted herewith.

*(complete the following, if applicable)*

(iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

#### B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

☐ at least \_\_\_\_\_

☒ cannot be calculated because this case is/will now be awaiting action by the PTO.

## NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

**NOTE:** A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. § 10.40(a).

## NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

**NOTE:** "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies. . ." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☐ inventor:  
☐ assignee:  
☐ common representative:

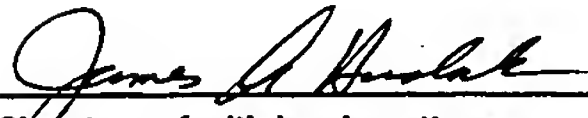
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
/		
/		
/		

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

*NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed., rev. 3.*

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

*(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)*

  
\_\_\_\_\_  
Signature of withdrawing attorney  
(practitioner)

James A. Hudak, Reg. No. 27,340  
\_\_\_\_\_  
(type or print name of withdrawing  
attorney (practitioner) and registration number)


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Reg. No.: 27,340

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October 25, 2002

Harvey C. Eisenberg, M.D.  
Multi-Dimensional Imaging, Inc.  
400 Newport Center Drive, Suite #110  
Newport Beach, CA 92660

*Re: U.S. Patent Application Serial No. 10/039,128 entitled "A Multi-Modality Apparatus for Dynamic Anatomical, Physiological and Molecular Imaging"*

Dear Dr. Eisenberg:

This letter is to inform you that I am withdrawing from this case pursuant to 37 CFR 10.40 (c)(iv).

I have already forwarded a copy of this patent application to you under my letter of November 9, 2001. There are no Official Actions pending before the Patent and Trademark Office for this patent application at this time. I am enclosing a copy of my Request for Withdrawal that I have submitted to the Patent and Trademark Office for this case.

In view of my withdrawal from this case, it is imperative that you immediately retain the services of other patent counsel for this matter.

If you have any questions, please contact me.

Sincerely,

James A. Hudak

Certified Mail No. 7002 0510 0003 9326 9977  
Return Receipt Requested  
JAH:nmh

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